

Council of the District of Columbia
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY
MEMORANDUM

1350 Pennsylvania Avenue, NW, Washington, DC 20004

TO: Nyasha Smith, Secretary of the Council
FROM: Charles Allen, Chairperson, Committee on the Judiciary and Public Safety
RE: Closing Hearing Record
DATE: November 25, 2019

CA

Dear Ms. Smith,

Please find attached copies of the Hearing Notice, Agenda and Witness List, and testimony for the Committee on the Judiciary and Public Safety's October 3, 2019, public hearing on "Firearms Trafficking in the Washington Metropolitan Region and Legislative Strategies to Respond to Firearms Violence" and B23-0018, the "Ghost Guns Prohibition Amendment Act of 2019".

The following witnesses testified at the hearing or submitted written testimony to the Committee:

i. Public Witnesses

1. Rebecca Davis, Local Legislative Lead, DC Chapter, Moms Demand Action
2. Nathan Luecking, Social Worker, Anacostia High School
3. Christa Nicols, Legal Counsel (Policy), Brady United Against Gun Violence
4. Nirmal Maitra, Co-Founder/Board Chair, Heroes for Hearts, Inc.
5. Natalie Bilbrough, Associate, WilmerHale (on behalf of D.C. Appleseed)
6. Salim Adofo, Commissioner, ANC 8C07
7. Alvin Bethea, Public Witness
8. Halina Coleson, Public Witness
9. Kaegan Mays-Williams, Counsel, Everytown for Gun Safety

ii. Government Witnesses

1. Jessie Liu, United States Attorney for the District of Columbia
2. Robert Contee, Assistant Chief, Investigative Services Bureau, Metropolitan Police Department
3. Dr. Jenifer Smith, Director, Department of Forensic Sciences
4. Elizabeth Wieser, Deputy Attorney General, Public Safety Division, Office of the Attorney General for the District of Columbia

**Council of the District of Columbia
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

**COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

ANNOUNCES A PUBLIC HEARING ON

**FIREARMS TRAFFICKING IN THE WASHINGTON METROPOLITAN REGION AND
LEGISLATIVE STRATEGIES TO RESPOND TO FIREARM VIOLENCE**

AND

BILL 23-0018, THE “GHOST GUNS PROHIBITION AMENDMENT ACT OF 2019”

**Thursday, October 3, 2019, 10:00 a.m.
Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Thursday, October 3, 2019, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public hearing to discuss the topic of “Firearms Trafficking in the Washington Metropolitan Region and Legislative Strategies to Respond to Firearm Violence” and Bill 23-0018, the “Ghost Guns Prohibition Amendment Act of 2019”. The hearing will take place in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 10:00 a.m. *Please note that this hearing had previously been scheduled for June 27 and noticed in the D.C. Register.*

While the District has some of the most comprehensive gun safety laws in the nation, firearms remain ubiquitous, and there is a troubling nexus between access to firearms and the commission of violent crime. Many of the firearms that enter the District from neighboring states travel through the “Iron Pipeline”, the term used to describe Interstate-95, a popular route for gun traffickers on the East Coast. The purpose of this public hearing is to learn more about the Iron Pipeline, current gun trafficking trends as they affect the District, and possible legislative solutions. The Committee will also solicit testimony from District, state, and federal law enforcement agencies to comment on interagency efforts to combat gun trafficking.

The stated purpose of B23-0018 is to prohibit the possession of “ghost guns”, defined as “a firearm that, after removal of all parts other than a receiver, cannot be detected by a metal detector”. The advent of 3D-printing technology has enabled individuals to “print” – or manufacture – firearm

components from plastic materials. These plastic firearm components present challenges to traditional methods for detecting the presence of firearms, such as metal detectors or X-ray machines. While firearms that cannot be detected by a metal detector are already prohibited by federal law, the District currently does not have a prohibition on the possession of such firearms. B23-0018 proposes to address that omission.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact the Committee via email at judiciary@dccouncil.us and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Monday, September 30**. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses should bring **twenty copies** of their written testimony and, if possible, also submit a copy of their testimony electronically in advance to judiciary@dccouncil.us.

For witnesses who are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be submitted to the Committee at judiciary@dccouncil.us. **The record will close at the end of the business day on Thursday, October 17.**

**Council of the District of Columbia
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY
AGENDA & WITNESS LIST
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

**COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

ANNOUNCES A PUBLIC HEARING ON

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AGENDA AND WITNESS LIST

- I. CALL TO ORDER**
- II. OPENING REMARKS**
- III. WITNESS TESTIMONY**
 - i. Public Witnesses**
 - 1. Rebecca Davis, Local Legislative Lead, DC Chapter, Moms Demand Action
 - 2. Nathan Luecking, Social Worker, Anacostia High School
 - 3. Christa Nicols, Legal Counsel (Policy), Brady United Against Gun Violence
 - 4. Nirmal Maitra, Co-Founder/Board Chair, Heroes for Hearts, Inc.
 - 5. Natalie Bilbrough, Associate, WilmerHale
 - 6. Salim Adofo, Commissioner, ANC 8C07
 - 7. Alvin Bethea, Public Witness

ii. Government Witnesses

1. Jessie Liu, United States Attorney for the District of Columbia
2. Robert Contee, Assistant Chief, Investigative Services Bureau, Metropolitan Police Department
3. Dr. Jenifer Smith, Director, Department of Forensic Sciences
4. Elizabeth Wieser, Deputy Attorney General, Public Safety Division, Office of the Attorney General for the District of Columbia

IV. ADJOURNMENT

Moms Demand Action for Gun Sense in America – DC Chapter Testimony on “Firearms Trafficking in the Washington Metropolitan Region and Legislative Strategies to Respond to Firearm Violence” and B23-0018 “Ghost Gun Prohibition Amendment Act of 2019”

Delivered by Rebecca Davis, Volunteer, Moms Demand Action for Gun Sense in America to the Committee of the Judiciary and Public Safety on October 3, 2019

Good morning Chairman Allen and members of the Committee on the Judiciary and Public Safety.

Thank you for the opportunity to appear before you on the subject of the legislative response to firearm violence and B23-0018, the “Ghost Gun Prohibition Amendment Act of 2019.” This bill will help save lives by prohibiting undetectable guns, a growing threat to DC’s public safety.

My name is Rebecca Davis. I have lived in Ward 3 since 2004, when I moved to Washington for a job in the private sector. I started volunteering with Moms Demand Action after mentoring a DCPS student who was affected by gun violence close to Eastern High School.

MOMS DEMAND ACTION ADVOCACY DAY

Moms Demand Action for Gun Sense in America is a national organization of volunteers dedicated to significantly reducing gun violence in the US. Along with Students Demand Action and Everytown for Gun Safety, we advocate for evidence-based, commonsense solutions.

Yesterday, here in the Wilson Building, we held our first-ever Advocacy Day. We came from all eight Wards. Over a hundred DC volunteers, community leaders, students, and parents met with members of the Council, the Mayor and their staff.

The message was clear. Though there have been a number of efforts focused on reducing gun violence in the District of Columbia, many of them evidence-based and originating from this Committee, we are far from solving the problem. When you look at the most recent CDC data from 2013 to 2017 you learn that the rate of firearm homicides in the District is nearly three times of the national rate.¹ It’s also important to note that 75% of all homicides in the District involve a gun. In deep conversations with community

¹ This comparison was calculated based on the age-adjusted rates using five years of most recent available data: 2013-2017.

members, gun violence survivors, neighborhood groups and nonprofits, we have heard that the changes are not comprehensive, and they are not happening fast enough.

We urge the DC Mayor and City Council to make a substantial, long-term commitment to fund a comprehensive gun violence prevention strategy and adopt ambitious goals to drastically reduce gun violence in the District.

We need a focused and fair approach. We need to hold ourselves and all of you accountable until the number of shootings and deaths decrease. This problem is not intractable, and the outcomes are not inevitable. We have made recommendations in three areas:

1. Create “Vision Zero” for gun violence prevention.

When the city decides that something is of critical importance, we create a Czar, a task force, spend money and report out on achieving our objectives. Yet the city has not taken this kind of integrated, focused approach to gun violence. The result is a disjointed effort.

We see opportunities to expand programs which have shown success, and have been proven to be successful in other municipalities, including ONSE’s and Cure the Street’s violence interruption. In addition, the city could offer a pilot focused deterrence program, similar to the one that led to the “Boston Miracle.” This combines a services and law enforcement approach. There is buy-in in the community to pilot this kind of group violence intervention.

2. Empower DC agencies to address hotspots quickly.

Gun violence is highly concentrated in very small areas, some as tight as an intersection or a single half-block. Shotspotter data, MPD and our neighbors tell us where hotspots are. Hotspots should be prioritized for lighting replacement and repair. The city should install high-quality security video cameras at DC Housing and Recreation Centers. Hotspots should have proactive, 24-hour social services, not just after a homicide takes place, but before.

3. Expand & improve trauma services.

The parts of the city most affected by gun violence are dramatically underserved in trauma services. This includes inadequate medical care for gunshot victims in Wards 7 and 8, and limited counseling to treat PTSD, anxiety, stress and other symptoms caused by the trauma of repeated gun violence.

GHOST GUNS IN DC

In this context, we are grateful to speak to the subject of ghost guns, addressed in Bill B23-0018. We strongly support this bill.

In recent years, 3D-printing technology has advanced rapidly, creating a new and inexpensive way to avoid background checks and other state and federal regulations. By building Do-It-Yourself firearms from parts and kits, or by using 3D printing technology, people with dangerous histories, who cannot purchase firearms legally, can access dangerous weapons.

ABOUT THE BILL

B23-0018 prohibits undetectable guns. These are firearms that can be disassembled and passed, unnoticed, through X-ray machines and other commonly used security screening devices like the ones in the Wilson Building.

This bill would also expand the definition of "firearm" in the DC code to include unfinished firearm receivers--the frame around which a firearm is built. Due to a gap in federal law, receivers are not required to be marked with a unique serial number and can be sold without a background check. When used in crimes, guns without serial numbers cannot be traced by law enforcement. The bill would ensure that all firearms, including those built using unfinished receivers, are serialized, and that no receiver can be purchased without a background check.

Councilmembers, we are grateful for your vision and leadership. We know that truly innovative work comes from your Committee.

At Advocacy Day, we wrote the names of children killed by gunfire in DC on backpacks we carried around to our meetings. One is too many. There were many more than one.

Thank you.

COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY

Thursday, October 3rd, 2019, 10:00 a.m.
Room 412, John A. Wilson Building
1350 Pennsylvania Ave., N.W.
Washington, D.C. 20004

Dear Chairperson Allen and members of the Committee on the Judiciary and Public Safety,

My name is Nathan Luecking, I am a clinical social worker at Anacostia High School through the Department of Behavioral Health School Mental Health Program. I also sit on the Coordinating Council on School Mental Health and was a member of the 2017 Task Force on School Mental Health. I'm here today to share from my experience, and offer solutions that I believe are necessary for both short and long term violence reduction.

Over the last few months, you have no doubt read stories and heard reports of an inexcusable number of our children dying from gun violence. As a mental health clinician who does crisis response to schools following the shooting death of students or staff, I can promise you the impact is far worse than anyone in this room can imagine.

When a person is murdered in a community it sends a ripple effect of devastation. Much like a hurricane changes the landscape of an ecosystem, gun violence leaves scars that may take generations to heal. In my experience, violence begets violence. Most deaths are followed by retaliation, which in turn prompts more retaliation. Let's not forget, with every death usually comes an incarceration of one, if not several, people. One death can effectively remove several people from a community. Fewer parents, fewer siblings, fewer supports. Run this cycle back year after year, and we've created a generation of young people born and raised into violence.

To illustrate, I was talking with student over the summer who lives in a particularly violent area in SE DC. Following a fire fight outside his home where he narrowly avoided three rounds from an assault rifle, his grandmother gave him a gun to carry for protection. He is 14 years old, and believes he needs to carry a gun to defend himself, and I can't say I blame him. In addition to getting these weapons off the streets, we must attack the social and economic conditions that allow violence to exist.

Short term: we need massive investment to expand violence prevention programs

Last year, the Office of the Attorney General secured just over 2 million dollars for their Cure The Streets program, an evidence based violence prevention program that utilizes community members to de-escalate conflict. I challenge this committee for FY20/21 to

aggressively fund this program to allow it to fully take shape. We've seen time and again that police presence alone won't prevent violence, we need to provide space for communities to resolve conflict internally.

Long term: massive investment in infrastructure and public goods in impacted communities

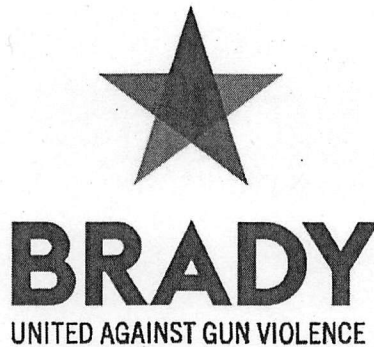
If we are serious about reducing gun violence, we need to radically re-think how we distribute resources in DC. We all know that poverty is inextricably linked to gun violence. In order to reduce violence, we must aggressively attack poverty. This means **massive** and **meaningful** investments in:

Public, by-right neighborhood schools
Hospitals and health centers
Public and affordable housing
Rent control
Minimum wage increase
Among others...

This will mean raising taxes on the wealthy, which will not be popular with the power structures in DC that accept abject poverty and violence as the price of lower taxes. However, the goal should be ZERO gun deaths, and whatever resources are needed to meet that goal **must** be secured.

With urgency,

Nathan Luecking, LICSW
Clinical Social Worker
DC Department of Behavioral Health
School Mental Health Program - Anacostia High School
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Statement for the Record
Council of the District of Columbia
Committee on the Judiciary & Public Safety

Hearing on:

Firearms Trafficking in the Washington Metropolitan Region and Legislative Strategies to Respond to Firearm Violence & Bill 23-0018 "The Ghost Guns Prohibition Amendment Act of 2019"

October 3, 2019

Introduction

Brady thanks the Council for holding this hearing and for the opportunity to speak about an issue that is not only core to our organizational mission, but close to home. Located in Northeast, Washington, D.C., Brady is one of America's oldest gun violence prevention organizations. Brady works across Congress, the courts, and communities, uniting gun owners and non-gun owners alike, to end America's gun violence epidemic. Our organization carries the name of former White House press secretary Jim Brady, who was shot and severely injured in the assassination attempt on President Ronald Reagan. Jim and his wife, Sarah, led the fight to pass federal legislation requiring background checks for gun sales.

Brady supports the Ghost Guns Prohibition Amendment Act of 2019 and applauds the Council for evaluating firearms trafficking in the D.C. metro area and the impact that trafficking has on crime in the District.

The Ghost Guns Prohibition Amendment Act of 2019 (Bill 23--0018)

Brady supports the Ghost Guns Prohibition Amendment Act of 2019 because the law will protect public safety and uphold the important tenets of our background check system. Ghost guns and 3-D printed guns are highly dangerous weapons that allow criminals and other prohibited individuals to evade the background check process by assembling firearms at home with purchased components. Ghost guns lack serial numbers, and thus are essentially "invisible" to law enforcement. If found at a crime scene, law enforcement has little means by which to trace the weapon's origin or ownership. 3-D printed guns can be made entirely of plastic, rendering most modern security devices like metal detectors ineffective. This makes it easier for dangerous individuals to bring lethal weapons into areas where they are banned, such

as schools, airports, and government buildings. Similar to ghost guns, these firearms are manufactured without serial numbers and cannot be traced by law enforcement.

Brady applauds the Council for taking action to ban the possession of ghost guns, treating them the same as other weapons that pose a unique risk to public safety, such as sawed-off shotguns, bumpstocks, and silencers.¹

Firearm Trafficking in the D.C. Metro

The District of Columbia has implemented some of the most robust gun violence prevention laws in the nation, including registration requirements and waiting periods, that prevent prohibited purchasers from obtaining firearms within the District. It follows that the District has the lowest rate of crime gun exports in the nation.² Unfortunately, illegal guns are trafficked into the District from other states. A comparison of data released by the Alcohol Tobacco Firearms and Explosives (ATF) and the Metropolitan Police Department (MPD) show that of the 2,191 firearms that were recovered by law enforcement in 2017,³ only 60 of those firearms could definitively be traced to a transfer within the District of Columbia.⁴ The balance of the crime guns originate in neighboring states, like Virginia and Maryland;⁵ or made their way to the District via Interstate-95 – dubbed for this reason, the “Iron Pipeline” – from states like Georgia and Florida.⁶

Firearm trafficking is killing our neighbors. Of the 226 homicides in the D.C. Metro this year, 163 were by firearm.⁷ In 2018, despite a drop in the overall crime rate, the D.C. witnessed a 38 percent increase in homicides, which according to authorities, was largely driven by illegal firearms.”⁸

Brady applauds the Council for seeking legislative solutions to this grave problem because enforcement alone has proven to be insufficient to preventing senseless tragedies in our community. Last week alone, MPD detectives and officers recovered 33 illegal firearms in the District of Columbia.⁹ Brady looks forward to participating in the Council’s process to develop legislative solutions to the problem of firearm trafficking in our community.

¹ D.C. Official Code § 22-4514(a).

² Eric Lichtblau, *Lax State Gun Laws Tied to Crimes in Other States*, N.Y. TIMES, Sep. 26, 2010, available at <https://www.nytimes.com/2010/09/27/us/politics/27guns.html> (citing Mayors Against Illegal Guns, *The Link Between Gun Laws and Interstate Gun Trafficking* 6 (2010)).

³ D.C. Gov., Metro. Police Dep’t, *District Crime Data at a Glance* (2019), available at <https://mpdc.dc.gov/page/district-crime-data-glance>.

⁴ U.S. Dep’t of Just., Bureau of Alcohol, Tobacco & Firearms, *District of Columbia Data Source: Firearms Tracing System 7* (2017), available at <https://www.atf.gov/docs/undefined/dcwebsite17183873pdf/download>.

⁵ *Id.*

⁶ Gregor Aisch & Josh Keller, *How Gun Traffickers Get Around State Gun Laws*, N.Y. TIMES, Nov. 13, 2015, available at <https://www.nytimes.com/interactive/2015/11/12/us/gun-traffickers-smuggling-state-gun-laws.html>.

⁷ Lynh Bui et al., *Tracking D.C.-Area Homicides*, WASH. POST, Oct. 2, 2019, available at <https://www.washingtonpost.com/graphics/local/homicides/>.

⁸ Scott Calver, *Illicit Guns Fuel 38% Murder Increase in Washington, D.C.*, WSJ, Jan. 4, 2019, available at <https://www.wsj.com/articles/murders-in-washington-d-c-escalate-while-nationwide-murders-trend-lower-11546615178>.

⁹ D.C. Gov., Metro. Police Dep’t, *Weekly Firearm Recoveries: September 23, 2019 to September 30, 2019* (Oct. 1, 2019), available at <https://mpdc.dc.gov/page/district-crime-data-glance>.

3rd October 2019

D.C. Bill 23-0018 Public Testimony

Good Morning Members of the Committee and Chairperson Allen. thank you for your time.

My name is Nirmal Maitra, I am the co-founder of Heroes for Hearts, a non-profit organization dedicated to building safer communities, as well as a second-year medical student at Georgetown University Medical School. Before I begin, I would like to say that all the views I express today are my own and not necessarily of the organizations or institutions I am part of.

As a pre-med and medical student who has had the opportunity to shadow in emergency rooms in D.C., the United States, and around the world over the past 8 years, I have seen first hand the devastating consequences that gun violence can have and the damage it can do to a human body.

Gun violence is a challenging and multifactorial problem, and we are here today to discuss ghost guns as they in particular, represent a current and very real danger to the community for multiple reasons.

Ghost guns, not necessarily ones made of plastic but those that cannot be traced, have been used in multiple mass shootings in the United States and have been used to murder or maim innocent individuals and members of the community. A significant danger of ghost guns is two-fold, the first is that because they can be made of alternate materials like plastic, screening for them at places like schools, sports events, and even healthcare centers becomes significantly more challenging as traditional methods like metal detectors are rendered largely ineffective. In this regard they have the potential to represent a significant threat to the public safety, and could potentially be trafficked into the District and be used in the places that we work and live in.

Secondly, Ghost guns have the potential to be abused not only by those that produce them, but also by those that supply them to others. Because this supply chain and process is largely unregulated and can in many instances not be traced, ghost guns are seeing increasing usage in acts of crime and criminal enterprises across the United States. Additionally, from what I understand, with advances in technology, 3D printing, and materials used in 3D printing, it may eventually be possible to produce a 3D printed weapon capable of usage with a large caliber round, rapid or automatic fire, and this represents an even greater threat to the community. The difference in damage that multiple large caliber rounds delivered at high velocity can do to a human body compared to fewer lower caliber rounds is staggering. And thus, from a medical standpoint and a physician in training, I am here to advocate for legislation that I believe will protect my future patients as well as build safer communities.

I fully believe in an individual's right to defend and protect themselves and their loved ones, however, I also believe that the response to any threat needs to occur at an appropriate level and through an appropriate means that does not also put innocent community members at risk.

As a student physician, I believe it is vital, and a responsibility, for all of us to work together to create a safer community where all can prosper, live without fear, and focus on fulfilling our potential both as individuals and as a society. In that regard, I thank the committee members for their time, for putting forth and evaluating this bill, and in their efforts in creating a safer community for all in D.C. Thank you.

WILMERHALE

**TESTIMONY ON BEHALF OF DC APPLESEED
BY NATALIE R. BILBROUGH, ASSOCIATE
WILMER CUTLER PICKERING HALE AND DORR LLP**

**BEFORE THE COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY**

**FIREARMS TRAFFICKING IN THE WASHINGTON METROPOLITAN REGION
AND LEGISLATIVE STRATEGIES TO RESPOND TO FIREARM VIOLENCE**

**Thursday, October 3, 2019, 10:00 a.m.
Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

Wilmer Cutler Pickering Hale and Dorr LLP, 1875 Pennsylvania Avenue NW, Washington, DC 20006

Beijing Berlin Boston Brussels Denver Frankfurt London Los Angeles New York Palo Alto San Francisco Washington

Good morning Chairman Allen and members of the Committee. My name is Natalie Bilbrough, and I am an Associate in the Washington, D.C. office of Wilmer Cutler Pickering Hale and Dorr LLP, also known as WilmerHale. I am testifying today on behalf of DC Appleseed. Thank you for convening this hearing and for the opportunity to share our thoughts on the topic of "Firearms Trafficking in the Washington Metropolitan Region and Legislative Strategies to Respond to Firearm Violence." Recently, in light of increased gun violence in the District, attorneys from WilmerHale, Latham & Watkins LLP, and Hughes Hubbard & Reed LLP have been working with DC Appleseed to investigate possible legislative responses that will survive judicial scrutiny. My testimony today will focus on two recommendations based on our research.

1. First, we will make recommendations for firearm-related reporting requirements that could assist the Council in evaluating trends in firearm-related crimes; and
2. Second, we will suggest legislative considerations to combat the possession and use of illegal firearms in particular.

A. Recommendations for Possible Reporting Requirements

The Council should build on existing firearm-related reporting requirements in new legislation that requires the Metropolitan Police Department ("MPD") to provide a complete set of key annual data on firearm-related crimes. Such data would assist the Council in evaluating trends in firearm-related crimes and identifying any new potential legislative measures that would be particularly effective in reducing gun violence in our community.

As background, the NEAR Act requires the Office of the Deputy Mayor for Public Safety and Justice to submit an annual report that analyzes trends associated with MPD felony crime statistics. Because data reported pursuant to the NEAR Act are generalized, however, the data lack critical statistics specific to the use of firearms, including illegally possessed firearms. We therefore recommend that the Council consider enacting new firearm-related data reporting requirements as standalone legislation.

Such legislation could require reporting of the following:

- Information, categorized by charge, regarding the relationship between arrestees and victims, and a brief history, if any, of their prior interactions. That information is currently not required to be provided to MPD. Such data could yield important insights into the primary, immediate causes of gun violence, such as gang-related disputes, drug-related disputes, domestic violence, robbery, etc.
- The frequency with which firearms are utilized in particular crimes such as homicide, assault with a deadly weapon, etc.

- The frequency with which firearm-related charges accompany other charges such as drug trafficking.
- The conviction history of individuals arrested for firearm-related crimes.
- The number of people who were served by the Department of Behavioral Health who were also arrested on firearm-related charges. The data should include information about specific firearm-related charges as well as mental health service types such as mental health outpatient services, St. Elizabeth's Hospital, and substance abuse treatment. This type of information may be particularly helpful going forward in supporting the red flag provision of the Firearms Safety Omnibus Amendment Act of 2018.
- Data regarding the legal status of the firearm used in each crime, including available information relating to the history of the firearm. For example, Massachusetts requires licensing authorities to trace firearms used to carry out a criminal act. The licensing authorities must then report statistical data relating to those firearms, including whether the firearm was obtained illegally and was lost or stolen. M.G.L. Ch. 140 § 131Q. Laws that would require the compilation of crime data involving firearms also have been proposed in New York and Pennsylvania. N.Y. S8308; Pa. SB1138.

The MPD may already collect certain firearm-related data that are not currently analyzed and reported to the Council. We recommend that the Council work together with the MPD and other relevant agencies to identify additional types of firearm-related data besides those discussed here that might be helpful to the Council, as well as additional resources that would be required to expand firearm-related data collection and analysis. The data gathered from police interactions with individuals would provide valuable support for system-level policy solutions in the future.

B. Recommendations Related to Targeting Illegal Firearms

Additional data could be particularly useful in considering legislation related to our second key concern — the topic of illegal firearms. As the Committee noted in its announcement of today's hearing, "there is a troubling nexus between access to firearms and the commission of violent crime." Research suggests that this nexus is especially strong between *illegal* firearms and violent crime. As you may remember, at a hearing earlier this year before this Committee, Police Chief Peter Newsham commented on the District of Columbia's rising murder rate, stating, "The one common thread is the prevalence of *illegal firearms*."¹

¹ Peter Newsham, Chief of Police for the Metropolitan Police Department, Testimony Before the Committee on the Judiciary & Public Safety, Fiscal Year 2018 Performance Oversight Hearing, (February 7, 2019) (available at https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/release_

Although many factors could qualify a firearm as “illegal,” my testimony will focus on stolen firearms in particular, because stolen guns are a significant source of trafficked guns, nationally and presumably in the District as well. According to a U.S. Department of Justice, Bureau of Justice Statistics 2016 “Survey of Prison Inmates,” of the estimated 287,400 prisoners who possessed a firearm during their offense, 6% had stolen it, and 43% obtained it off the street or from the underground market, including markets or middlemen for stolen goods.² A different, nationally-representative survey aimed at collecting empirical data about gun theft concluded that approximately 380,000 guns are stolen from private gun owners every year.³ Individuals who are prohibited by law from possessing firearms often turn to stolen guns that enter the illegal market.⁴ And research has shown a link between stolen guns and crime: between 2010 and 2016, police recovered approximately 23,000 stolen firearms—most of which were recovered in connection with violent crimes, including murders, sexual assault, kidnappings, and robberies.⁵ Still, as I noted earlier, more data are needed on the connection between stolen guns and their pathways to use in crime.

A common criticism of firearm legislation is that most gun-related crimes are committed with “illegal guns,” and therefore gun laws affect only law-abiding citizens instead of reducing gun violence. Whether or not that is true, legislation that regulates the use of firearms based on their legal status has the benefit of avoiding the problem of affecting law-abiding citizens, as mentioned by the D.C. Circuit in *Wrenn v. D.C.*, 864 F.3d 650, 666 (D.C. Cir. 2017). Targeting possession or use of illegal guns is also consistent with the *Wrenn* decision’s recognition that the government may restrict the possession of firearms by those “prone to misuse” them and those who are proven “more dangerous with a gun than the next law-abiding citizen.” Last year, this Committee acknowledged that possession of a stolen weapon may indicate an intent to use that firearm unlawfully, and perpetrators may act on the theory that stolen or unregistered weapons are harder to trace.

1. Legislation Examples from Other Jurisdictions

We commend the District for being among the few jurisdictions to require that gun owners “immediately” report the loss or theft of a registered firearm (including the circumstances, if

content/attachments/Testimony_MPD%20Perf%20Hearing_02%2007%2019_FINAL.pdf)
(emphasis added).

² Alper, Mariel, Glaze, Lauren. Source and Use of Firearms Involved in Crimes: Survey of Prison Inmates, 2016, U.S. Dep’t of Justice, Bureau of Justice Statistics (Jan. 2019), <https://www.bjs.gov/content/pub/pdf/suficspi16.pdf>.

³ Hemenway D, Azrael D, Miller M., *Whose guns are stolen? The epidemiology of gun theft victims*, Injury Epidemiology 4, non. 1 (2017):11; “Stolen Guns Pose a Tremendous Risk to Public Safety,” EVERYTOWN FOR GUN SAFETY (March 6, 2019), <https://everytownresearch.org/stolen-guns-pose-tremendous-risk-public-safety/>.

⁴ Philip J. Cook and Harold A. Pollack, “Reducing Access to Guns by Violent Offenders,” RSF: The Russell Sage Foundation Journal of the Social Sciences 3, no. 5 (2017): 2–36.

⁵ Freskos B., “Missing pieces: Gun theft from legal gun owners is on the rise, quietly fueling violent crime,” THE TRACE (Nov. 20, 2017), <https://bit.ly/2izST1h>.

known). D.C. Code Ann. § 7-2502.08(a)(1). However, more can be done to combat the use and trafficking of stolen weapons in particular.

In our research, we found that other jurisdictions targeted stolen and trafficked firearms in ways that the Committee should consider. For example, Illinois law makes it a separate felony offense to use “a stolen firearm in the commission of an offense when . . . the person knows that the firearm was stolen.” 720 Ill. Comp. Stat. Ann. § 5/24-3.7; *see also* Ill. Comp. Stat. Ann. § 5/24-3.9 (creating an offense for aggravated possession of a stolen firearm when the firearm is possessed by a person not entitled to possession). Iowa also imposes a higher penalty on individuals who use a stolen weapon in the commission of an offense, as well as specifically penalizes the knowing transfer or receipt of a stolen weapon. Iowa Code Ann. § 724.16A. Similarly, California law targets stolen firearms by punishing the carrying of a concealed firearm more severely—as a felony—if “the firearm is stolen and the person knew or had reasonable cause to believe that it was stolen.” Cal. Penal Code § 25400.

Other states, such as Florida, Texas, and Pennsylvania, have created more severe penalties for theft or unlawful appropriation where the stolen item is a firearm. Fla. Stat. Ann. § 812.014; Tex. Penal Code Ann. § 31.03; 18 Pa. Stat. and Cons. Stat. Ann. § 3903. *See also* Miss. Code Ann. § 97-37-35 (designating the offense of possessing or transferring two or more stolen firearms to be “trafficking,” and setting a minimum sentence of fifteen years).

2. Recommendations for the Committee to Consider

The Committee should follow the lead of other jurisdictions by considering legislation that recognizes and penalizes the possession and/or use of stolen firearms. While increasing penalties for individuals in possession of illegal firearms is a less ideal policy solution than cutting off illegal firearms at the source, it is an approach that can be taken now without legal barriers while the Committee gathers and considers other data.

First, possession of stolen firearms should be treated differently than possession of other stolen products due to their uniquely dangerous potential and the likely criminal intent with which those weapons are possessed. D.C. already criminalizes the receipt or trafficking of stolen property in general. D.C. Code Ann. § 22-3231 - 3232. The Committee should consider adding a provision to the current statutes that enhances the sentence for trafficking or receiving stolen firearms specifically. Alternatively, the Committee could consider enhancing the provision for “unlawful possession of a weapon” by including greater mandatory minimums if the weapon was stolen, or if the weapon was lawfully purchased with the intent to transfer to a person prohibited by law from possessing a firearm, that is, a straw purchase. D.C. Code Ann. § 22-4503. Or, the Committee could include possession or use of a stolen firearm among the exceptions listed in the Penalties provision of D.C.’s firearm code, D.C. Code Ann. § 7-2507.06, and penalize the transfer of stolen weapons as the statute separately penalizes the transfer of firearms to minors.

Second, another straightforward way to target the use of illegal guns is to enact a separate offense or criminal penalty enhancement statute, similar to D.C. Code section 22-3601, which provides for an “Enhanced penalty for crimes against senior citizen victims.” Currently, the D.C. Code does not make any distinction for the use of stolen or non-permitted weapons in the commission of a crime. *See* D.C. Code § 22-4502 (providing for an “additional penalty for committing crime when armed”). The Council could fill this gap by adding a category to section 22-4502, or by using section 22-3601 as a model in enacting legislation that imposes additional penalties on any person who commits a violent offense while using, threatening to use, possessing, or brandishing a stolen or otherwise unlawful weapon. Like section 22-3601, this new statute could provide an affirmative defense for accused individuals who did not know that the firearm was stolen or reasonably believed it was not.

Third, we would like to draw the Committee’s attention to an existing law, D.C. Code section 22-4517, which requires police officers to seize any weapon, including firearms, discovered in the course of a lawful arrest or lawful search that the officer reasonably believes is “unlawfully owned, possessed, or carried” – what the statute defines as a “nuisance.” This law can be useful in removing illegal firearms from the streets. Moreover, data related to how often these types of seizures occur, what types of weapons are most often seized, and whether the firearm was stolen, could be useful to the Committee in considering potential legislation targeting illegal firearms.

The Committee should also consider how this law could be expanded to include the seizure of *lawfully* possessed weapons that were improperly stored or secured per the policy found in D.C. Code § 7-2507.02, especially unsecured firearms that are found during searches of vehicles, as firearms left in cars are targets for theft, and eventual trafficking or misuse.⁶

We urge the Council to consider these recommendations and to continue its pursuit of legislation that will both keep the city’s residents safe and withstand legal challenges. I am happy to answer any questions that the Committee may have.

⁶ Martin Kaste, “More Guns In Cars Mean More Guns Stolen From Cars,” NPR, Morning Edition (March 9, 2019), <https://www.npr.org/2019/05/09/717178960/more-guns-in-cars-mean-more-guns-stolen-from-cars>; Brian Freskos, “As Thefts of Guns from Cars Surge, Police Urge Residents to Leave Their Weapons at Home,” THE TRACE (March 6, 2017), <https://www.thetrace.org/2017/03/as-thefts-of-guns-from-cars-surge-police-urge-residents-to-leave-their-weapons-at-home/>.



Salim Adofo
Commissioner
District 8C07

Commissioner Salim Adofo

Advisory Neighborhood Commission 8C
Single Member District 8C07

Official Testimony for

Committee On the Judiciary & Public Safety
Public Hearing On

Firearms Trafficking in The Washington Metropolitan Region And
Legislative Strategies to Respond to Firearm Violence
and
Bill 23-0018, The "Ghost Guns Prohibition Amendment Act of 2019"

Thursday, October 3, 2019, 10:00 a.m.
Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

In 2018, a total of 534 people were shot in the District of Columbia. Of that 534, 160 people died by homicide. That is a 40 percent increase from the previous year. This year alone there have been 226 homicides in the Metro D.C. area. One of those 226 homicides, was 15-year-old Maurice Scott. He was killed in Single Member District 8C07 on the morning of Sunday, May 26, 2019.

Of all the Wards in the District of Columbia, Ward Seven has experienced the largest amount of violence by far. As of April 2019, there has been a 300 % increase in homicides in this section of the city. It is as if gun violence is becoming normalized in our communities, specifically in the Black and Latino communities of Washington DC.

On a national level, according to an August 2019 Time Magazine article titled "How Likely Is the Risk of Being Shot in America? It Depends" almost 40,000 people in the U.S. died from firearm injuries 2017. This is over eight times more than the number of U.S. military members who died overseas during Operation Iraqi Freedom between the years 2003 and 2010.

Continuing on a national level, let us consider mass shootings. A mass shooting is an incident in which at least four people were shot, excluding the shooter. As of September 1, 2019, there have been 283 documented mass shootings in the U.S. according to a September 2019 article by CBS News. There have been more mass shootings this year, than there have been calendar days. This data is provided to give context as to why "ghost guns" can add to the traumatic experience of gun violence in our community.

The stated purpose of B23-0018 The Ghost Guns Prohibition Amendment Act of 2019 is to prohibit the possession of ghost guns. A ghost gun is defined as a firearm that, after removal of all parts other than a receiver, cannot be detected by a metal detector. The advent of 3D-printing technology has enabled individuals to "print" or manufacture firearm components from

plastic materials. These plastic firearm components present challenges to traditional methods for detecting the presence of firearms, such as metal detectors or X-ray machines. This would make it extremely difficult for those that are providing security at government building, night clubs, museums and any other facility where residents gather, to protect residents and increase the likelihood of future gun violence.

Many of the residents of Single Member District 8C07 have expressed great concern for the amount of gun violence in the community. They are concerned about the number of young lives that it has taken and the anxiety and depression that it has caused in our society. This bill will not stop gun violence, however the residents of Single Member District 8C07 believe that this is a step in the correct direction. Therefore, on behalf of the residents of Single Member District 8C07, in the Congress Heights section of Ward Eight, I say we stand in support of this bill. We encourage the District of Columbia legislative body to pass this bill and make all efforts necessary to protect the lives of District residents and its' guests.

Commissioner Salim Adofo

Single Member District 8C07

Councilmember Charles Allen, Chairperson
Committee on the Judiciary and Public Safety
Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.,
Washington, D.C. 20004

October 3, 2019

Re: Bill 23-0018, the "Ghost Guns Prohibition Amendment Act of 2019".

Dear Chairperson Allen:

I am writing on behalf of Everytown for Gun Safety and Moms Demand Action supporters and volunteers across the District of Columbia to urge you to pass B23-0018 in an effort to enact policies that will help prevent gun violence. "Ghost guns" are "do-it-yourself" (DIY) firearms that can be undetectable, untraceable and built wholly outside of legal channels. These undetectable, untraceable ghost guns pose a threat to all Washingtonians.

Gaps in the law that allow people to build their own guns using parts and kits that are widely available online, and can be purchased without a background check, make it easy for prohibited purchasers to evade gun laws and access firearms that cannot be traced by law enforcement. Unfinished firearm receivers are the frame around which a firearm is built--which, due to a gap in federal law, are not required to be marked with a unique serial number and can be sold without a background check.

In recent years, 3D-printing technology has advanced rapidly, creating a new and inexpensive way for anyone to build their own guns, including all-plastic guns that can be carried undetected through metal detectors and other safety devices. Relatively inexpensive and widely available 3D printers allow people with dangerous histories, who cannot legally purchase or possess firearms, to easily download data files, print and assemble a firearm. All anyone needs to do is download the correctly formatted file, load the file into the printer, and click "Print." In addition to evading a background check and all other legal requirements, these DIY guns are likewise untraceable by law enforcement, making them all the more appealing to criminal possessors.

Ghost guns also undermine the work of law enforcement. Because ghost guns have no serial numbers, it is impossible for law enforcement to trace these firearms when they are used to commit crimes. When law enforcement officers recover un-serialized guns at crime scenes, their criminal investigations are stymied before they even start. In July 2018, the Los Angeles Police Department broke up a brazen gang-trafficking enterprise in Los Angeles. Individuals have been caught manufacturing and selling untraceable guns in locations across the country.¹

The creation of "ghost guns" represents a rapidly growing threat. Individuals have been caught manufacturing and selling untraceable guns in locations across the country. For example, in April 2018 a New Jersey grand jury indicted a man for unlawfully manufacturing and selling untraceable guns after

¹ Richard Winton, L.A. Gangs Stockpile Untraceable 'Ghost Guns' that Members Make Themselves, Los Angeles Times, July 6, 2018, <http://www.latimes.com/local/lanow/la-me-la-gangsters-homemade-guns-20180706-story.html>.

law enforcement seized nearly three dozen weapons from his home, including nearly 20 untraceable guns².

We commend this Committee for considering B23-0018, which will help save lives by prohibiting the registration, possession, sale, transfer or use of undetectable guns in the District of Columbia. This bill will also expand the definition of "firearm" in the DC code to include unfinished firearm receivers. This change would ensure that all firearms, including those built using unfinished receivers are serialized and that no receiver can be purchased without a background check. This bill will ensure that criminals are no longer able to exploit the loophole, which allows them to purchase unfinished lower receivers, and build untraceable firearms.

While we strongly support this bill, it could be further strengthened by explicitly prohibiting the sale or dissemination of the data files that enable 3D printers to produce firearms, making those plans harder to access, and therefore harder to utilize.

I want to thank you for doing all you can to combat the epidemic of gun violence in the District of Columbia and urge the committee to pass B23-0018.

Sincerely,

Kaegan Mays-Williams
Counsel, Everytown for Gun Safety

² Maxwell Reil, "Man indicted after selling 'ghost gun' in Hammonton," Atlantic City Press, April 13, 2018, https://www.pressofatlanticcity.com/news/man-indicted-after-selling-ghost-gun-in-hammonton/article_16aa48bc-519c-50d5-b66b-748689e9c5b4.html.



U.S. Department of Justice

Jessie K. Liu
United States Attorney

District of Columbia

*Judiciary Center
555 Fourth St., N.W.
Washington, D.C. 20530*

October 3, 2019

VIA ELECTRONIC MAIL

The Honorable Charles Allen
Chairman
Committee on the Judiciary & Public Safety
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Suite 110
Washington, D.C. 20004

Dear Chairman Allen:

The United States Attorney's Office for the District of Columbia (USAO-DC) commends the Committee on the Judiciary & Public Safety for its efforts to convene a discussion on combatting firearms violence in the District of Columbia. As you know, illicit firearms play a role in most forms of the violent crimes that we see here in the District and serve to empower organized criminal groups. Firearms violence, often committed at the hands of repeat offenders, too often shakes our community to its core as innocent bystanders lose their lives. To tackle this intractable issue, we must all work together to devise a multi-disciplinary, multi-agency, and multi-jurisdictional set of effective solutions. As a result, my Office has partnered with the D.C. Metropolitan Police Department (MPD), the United States Attorney's Office for the Eastern District of Virginia, and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) in an effort to address a significant source of illegal firearms in the District. As we have indicated previously (most recently in the October 2, 2019, letter of Renata Cooper to the Committee), the ATF stands ready to meet with the

Letter to D.C. Council Judiciary Comm.
Firearms Trafficking
October 3, 2019
Page 2

Committee and staffers to discuss further the nexus between firearms access and firearms trafficking as well as trends important to trafficking and violent crime reduction.

Firearms make their way into the District in a variety of ways. Most firearms are produced legally and then diverted into the illicit market. They are frequently stolen and trafficked. Some unlicensed firearms sellers purchase firearms in one state, then transport them to their state of residence and sell, trade, or distribute the firearms, which can end up in the hands of those who commit crimes. Some prohibited purchasers (such as convicted felons) also use "straw purchasers," individuals who buy firearms on behalf of persons who would otherwise be precluded from buying guns themselves. Gun traffickers have also found ways to exploit the loopholes in federal law by purposefully purchasing guns through sales that do not require background checks or sale records.

Our challenge, therefore, is to determine how can we reduce the number of firearms-related incidents and keep guns out of the hands of those who should not have them. One effective strategy is to address the problems of unscrupulous gun dealers, stolen weapons, and illegal purchasers and suppliers. We have sought to do this through increased information sharing and coordination with our federal and local law enforcement partners. This allows us to identify specific incidents and trends, thereby enabling us to move quickly in investigating and prosecuting these offenses in the most appropriate venue.

Further, our partnership with the ATF, the federal agency tasked with investigating firearms trafficking, has hammered home how essential the ability to track firearms is to the reduction of trafficking and the successful investigation of firearms-related crimes. In fact, through ATF's firearms tracing capabilities and the use of the National Integrated Ballistic Information Network (NIBIN), our collective partnership has been able to gain intelligence regarding specific recovered firearms that assists not only in identifying the firearm's source, but its connection to other shootings, crimes, and violent offenders.

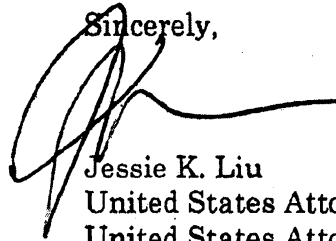
Working side by side with our partners on this issue has allowed us to prosecute individuals involved in the illegal trafficking of firearms. For example, as recently as April 2019, Isaiah Green of Washington, D.C., was sentenced to 50 months in prison for his role in drug trafficking schemes in which he illegally trafficked 31 guns, and Stephon Jeter of Washington, D.C., was sentenced to 63 months for his role in a multi-state firearms trafficking conspiracy in which 25 firearms were recovered.

USAO-DC will continue to prosecute aggressively those who commit criminal offenses using firearms, those who illegally traffic in firearms, and those who illegally

Letter to D.C. Council Judiciary Comm.
Firearms Trafficking
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Page 3

possess firearms in our city. The correlation between violent crime and the availability and use of illegal guns is undeniable, and we will continue to work closely with our partners in the law enforcement community in the promotion of public safety and the pursuit of justice. We stand by our message to those who traffic in illegal firearms: You will be prosecuted to the full extent of the law. And we stand by each and every one of our partners in the District without whose invaluable partnerships we cannot find solutions to the illegal flow of firearms.

Sincerely,

A handwritten signature in black ink, appearing to be 'Jessie K. Liu', with a long horizontal flourish extending to the right.

Jessie K. Liu
United States Attorney
United States Attorney's Office
for the District of Columbia

cc: The Honorable Anita Bonds, Councilmember, Judiciary Committee
The Honorable Mary M. Cheh, Councilmember, Judiciary Committee
The Honorable Jack Evans, Councilmember, Judiciary Committee
The Honorable Vincent C. Gray, Councilmember, Judiciary Committee

GOVERNMENT OF THE DISTRICT OF COLUMBIA
METROPOLITAN POLICE DEPARTMENT



*Firearms Trafficking in the Washington Metropolitan Region
and Legislative Strategies to Respond to Firearm Violence*

and

*Bill 23-0018, the "Ghost Guns Prohibition
Amendment Act of 2019"*

Testimony of
Robert Contee
Assistant Chief of Police
Investigative Services Bureau
Metropolitan Police Department

Before the
Committee on the Judiciary & Public Safety
Council of the District of Columbia
The Honorable Charles Allen, Chairperson

October 3, 2019
John A. Wilson Building, Room 412
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Good morning Chairperson Allen, members, and staff of the Committee, and guests. I am Robert Contee, Assistant Chief of the Metropolitan Police Department's (MPD) Investigative Services Bureau, and with me is Dr. Jenifer Smith, the Director of the Department of Forensic Sciences (DFS). We will be providing testimony on firearms trafficking, including strategies to respond to firearm violence, and in support of Bill 23-18, the *Ghost Guns Prohibition Amendment Act of 2019*.

As we all know, the United States is a nation awash in guns. Last year, the *Washington Post* reported that there are more than 393 million civilian-owned firearms in the country.¹ Like many communities, the District of Columbia is severely and devastatingly impacted by the availability of illegal guns. The biggest drivers of violence in our city are illegal firearms and repeat violent offenders. Each year, about 2,000 illegal guns are recovered here, but we know that is only a small fraction of the total number of illegal guns in the District. Data from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) shows that guns originating in Virginia are the main source of illegal firearms used in our city. In 2018, 41 percent of all crime guns from the District traced by ATF originated in Virginia – far outpacing any other state. The nearby states of Maryland, Georgia, and North Carolina round out the top four source states for firearm recoveries within the District.²

MPD officers regularly investigate crime scenes where multiple armed individuals have fired dozens of rounds in every direction, damaging property, and striking intended targets, innocent bystanders, and people inside their homes. We continue to see a growing number of daytime incidents where a gunman doesn't even bother to hide his face when he walks up to someone and shoots them. Petty arguments – fueled by easy access to illegal guns and no fear of consequences – are escalating dramatically. Instead of fists, people use guns to settle arguments. We know that violence leads to retaliation, which leads to further violence and, in some communities, a never-ending intergenerational cycle of retaliatory violence where the sounds of gunfire and gun casing littering the streets is not a rare occurrence.

These factors have resulted in a sustained spike in homicides in the District. We have had 131 murders so far this year. That represents an 11 percent increase from the same time last year. Guns were used to commit 78 percent of all murders this year. That is roughly the same percentage that we see year after year. The easy access to illegal guns – and the lack of any concern about being held accountable for possessing and using a gun – results in more than 500 people each year being wounded by gunfire. And, in the past year, we have seen an increasing number of those gunshot wounds resulting in fatalities. We attribute this to larger numbers of shots being fired, at closer range, and to vital parts of the body.

¹ Ingraham, Christopher. "There are More Guns than People in the United States, According to a New Study of Global Firearm Ownership." *The Washington Post*. 19 June 2018. Retrieved 29 Sept. 2019.

² Top source states of guns used in crimes in the District successfully traced by the ATF in 2018: Virginia (41%); Maryland (12%); Georgia (8%); North Carolina (7%)



We know that police alone cannot prevent the violence on our streets. . But we also know that police play an essential role in holding criminals accountable for their actions. This is something that I hear frequently when I'm attending community meetings and out talking with residents. The Department is constantly reviewing data to ensure officers are deployed where they're needed most, and we are always working to build and strengthen relationships with all our residents across the city. It is only through true police-community partnerships that we can work together to reduce violence and improve public safety in every neighborhood.

The Bowser Administration has pursued a violence reduction strategy that uses both law enforcement and non-criminal justice system tactics. This comprehensive strategy includes creating economic opportunities, identifying and treating trauma, improving mental and behavioral health services outreach, and significantly increasing violence intervention efforts. It also includes strengthening the partnerships in the District's unique and complex criminal justice system, increasing supports to victims of crime, and using the latest forensics technology to improve investigations.

Through the Crime Gun Intelligence Center (CGIC), MPD is working with DFS, ATF, and the United States Attorney's Office for the District of Columbia to improve data collection and analysis on guns, cartridge casings, and bullets from violent crimes. The CGIC leverages state-of-the-art imaging technology and the National Integrated Ballistic Information Network (NIBIN) to link firearm evidence between crime scenes. The CGIC supports MPD's use of NIBIN when investigating cases and directly supports investigations by providing timely, tactical, and strategic intelligence to detectives and prosecutors. Learning this information quickly has been critical because it can help law enforcement prevent future retaliatory activities. Thanks to CGIC, we can see a comprehensive criminal history of a specific gun in DC. The CGIC's scientific work allows us to track a gun as it is used in different shootings in different parts of the city. That is essential to our investigations and to prosecutors.

* * *

I will focus the rest of my testimony on gun trafficking. While law enforcement is uniquely positioned to combat the trafficking of firearms, we need the right laws in place to successfully combat it.

The Department's Narcotics & Special Investigations Division (NSID) partners with the ATF on a federal task force that investigates the sale and transportation of illegal firearms into the District. The ATF task force has made several key arrests this year of individuals trafficking illegal guns into DC. In addition, the MPD Gun Recovery Unit (GRU) investigates leads by using a variety of strategies to identify and apprehend illegal gun traffickers. Last year, GRU recovered 425 illegal guns; so far this year, they have taken 450 guns off our streets.

Officers in Patrol also take illegal guns off the street. So far this year, the Department has recovered more than 1,600 guns, 22 percent more than last year at this time. To put this another



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way, each illegal gun represents the potential for violence. Removing about six guns a day from city streets helps to keep all of our neighborhoods safer. A study of the criminal histories of people arrested by the Boston Police Department for illegal gun possession and violent gun offenses found that “illegal gun possessors are as involved in crime as those who were arrested for gun violence – murder, robbery, and assault.” The study concludes that illegal gun possession cases are “worth taking seriously because a high percentage of those arrested are in practice at risk of using their guns in crime.”³

We must ensure that all of us involved in the criminal justice system – legislators, law enforcement, prosecutors, judges, and supervision agencies – reinforce the critical message that if you violate the District’s gun laws, you will be held accountable for your actions.

In 2017, Mayor Bowser submitted the *Possession of Firearms and Ammunition Penalties Amendment Act (B22-588)* to the Council that provides law enforcement with necessary tools to combat gun trafficking in the District. Unfortunately, the Council failed to move that legislation, but we believe several provisions in B22-588 are worth revisiting to help combat gun trafficking. These include:

- Establishing a charge for possessing a stolen firearm or ammunition;⁴
- Establishing a charge for possessing a gun without a serial number or with altered serial numbers;
- Increasing the penalty for trafficking and illegal sales of firearms – currently a one-year offense – to not less than two years nor more than five years.

District law currently provides limited recourse for prosecution even when there is strong evidence of intent to traffic illegal guns. Instead, the primary option is to prosecute under the base laws of unregistered firearms or carrying a firearm without a license, the lowest common denominator for illegal guns. But specific laws with strong penalties for these crimes will help deter them and hold accountable dangerous individuals who are supplying illegal guns in the District. Federal law is insufficient in this area, in part because not all gun sales or transfers are required to go through federally licensed dealers. Consequently, it is incumbent on states to pass and enforce their own laws to prevent illegal intrastate and interstate trade. We strongly believe that the bills previously introduced by Mayor Bowser will improve MPD’s ability to protect our residents from the awful dangers of illegal firearms.

In addition, we recommend that the Council consider increasing the penalty for illegally discharging a firearm – currently a one-year offense – to up to five years. We need a stronger

³ Braga, A.A., & Cook, P.J. (2016). The criminal records of gun offenders. *Geo. JL & Pub. Pol’y*, 14, 1, p.2

⁴ May include a person who buys, receives, possesses, or obtains control of the stolen firearm or ammunition, knowing or having reason to believe that the firearm or ammunition was stolen.



deterrent for firing a gun so that we don't need to wait until someone is injured or killed by gunfire. By the time an innocent bystander is wounded or fatally shot, it is far too late to start taking the possession of illegal guns seriously.

* * *

In September 2018, Mayor Bowser submitted the *Ghost Guns Prohibition Emergency Amendment Act*. However, Council failed to move that legislation. On January 7, 2019, Mayor Bowser once again introduced legislation to prohibit ghost guns, Bill 22-18, the *Ghost Guns Prohibition Amendment Act of 2019*.

The Ghost Guns bill prohibits the possession and registration of undetectable guns. While there is no single legal definition yet, ghost guns generally include those that are untraceable and/or undetectable. In other words, they don't have a serial number, which makes them difficult to track during criminal investigations. Our colleagues at DFS have identified 75 untraceable ghost guns recovered so far in 2019, three times as many as the 25 recovered in all of 2018.

In addition to untraceable guns, we are concerned about some guns that may be produced largely or even entirely from plastic, which means they may not be detected by metal detectors. Of the 75 ghost guns recovered in 2019, none of them are plastic 3D printed ghost guns. However, readily available ghost gun blueprints allow anyone, regardless of whether they are legally disqualified from possessing a firearm, to create and transport undetectable firearms into the District and into protected buildings, such as the Wilson Building, schools, museums, sports complexes, and government offices. While the District prohibits the manufacture and registration of guns without serial numbers, Bill 22-18 takes the next step of prohibiting the possession and registration of undetectable firearms.

We urge the Committee to expeditiously move this legislation and for the Council to quickly enact it. We know that ghost guns are an increasing problem in the city and we need this legislation to help us interrupt the growing market for these dangerous weapons.

* * *

We look forward to continuing to work closely with the Council to improve the safety of our city and residents. Thank you for the opportunity to testify today. Dr. Smith and I can take any questions.





Statement of Elizabeth Wieser
Deputy Attorney General – Public Safety Division
Office of the Attorney General

Before the

The Committee on the Judiciary & Public Safety
The Honorable Charles Allen, Chairperson

Public Hearing

“Firearms Trafficking in the Washington Metropolitan Region and Legislative
Strategies to Respond to Firearm Violence” and
Bill 23-18, the “Ghost Gun Prohibition Amendment Act of 2019

October 3, 2019

10:00am

Room 412

John A. Wilson Building

1350 Pennsylvania Avenue, NW Washington,
District of Columbia 20004

Good morning Chairman Allen, Councilmembers, staff, and residents. I am Elizabeth Wieser, and I have the privilege of serving as the Deputy Attorney General for the Public Safety Division of the Office of the Attorney General ("OAG"). I am pleased to appear on behalf of Attorney General Karl A. Racine before the Committee on the Judiciary & Public Safety to testify on "Firearms Trafficking in the Washington Metropolitan Region and Legislative Strategies to Respond to Firearm Violence" and in support of Bill 23-18, the "Ghost Gun Prohibition Amendment Act of 2019."

Attorney General Racine stands ready to work with Council, Executive, Neighborhood Groups, as well as the Attorney General Community to combat the proliferation of illegal firearms in the District of Columbia. At OAG, we take gun offenses very seriously and prosecute them aggressively. Our statistics show 575 youth arrested for gun offenses in 2018. As of September 30th of this year, we have seen that 535, and since October 1st, several more juvenile gun cases have already been presented to OAG. Our papering and prosecution rate in the juvenile section remains at 85 percent. This year, our Criminal Section has been presented with 58 cases by law enforcement. We prosecuted 52 of them and no-papered only 6. Consistent with Juvenile papering rates, we prosecute about 85% of our adult cases. Our particular challenge with the juvenile cases is youth as young as thirteen years old having access to and carrying firearms. When a youth enters the justice system, we strive to learn the underlying reasons for the conduct which caused them to be arrested. Through the rehabilitative process of the Family Division, we try to address the needs of each youth we see in hopes that early intervention with holistic services will help keep youth from becoming further entrenched in the justice system.

We have also invested in violence prevention strategies to stem gun violence before it starts. OAG's Cure the Streets pilot program launched in August 2018 as a response to an uptick in shootings and homicides concentrated in certain areas of the District. Over the last year, Cure the Streets operated out of the National Association for the Advancement of Returning Citizens and has employed up to 19 individuals who have worked in two specific neighborhoods to de-escalate violence, mediate conflict, and make community members feel safer. The Cure the Streets model comes from the public health approach to violence reduction, seeking to interrupt violence through prevention, link person at high risk for being involved in violence to resources to change their behavior, and change community normalization of violence. It is not possible to stop all shootings and homicides using Cure the Streets but, as Violence Interrupters and Outreach Workers build trust on the ground with community members and high risk individuals, it becomes more and more likely that when conflict starts brewing, or tensions between rival crews builds, that someone will call a trusted violence interrupter to mediate those situations and prevent violence.

With the support of the City Council, OAG is extending the violence reduction pilot to four additional small geographic sites. The new sites will likely be located with one in Ward 7, two in Ward 8 and one in Ward 5, although the boundaries of the sites are still being charted. We are currently in the process of identifying nonprofit community groups respected in the target communities to host those new sites. We hope to launch the new sites in mid to late October.

In addition to its violence prevention pilot, OAG has convened meetings with Attorney General Brian Frosh of Maryland and Attorney General Mark Herring of Virginia to discuss the flow of firearms between our borders. These are crucial relationships as the bulk of the guns recovered from crimes in the District come from these two states. We also meet with our federal

and local law enforcement partners to explore new ways to enforce against illegal gun trafficking. Community groups like Moms Demand Action have also been key allies on this issue. The Council, and specifically this Committee, have been excellent in exploring ways to stop gun violence. One key example is our new Red Flag or ERPO law that was passed in December, 2018. This new law helps keep the District and its residents safe by quickly removing guns from people who are considered a danger to themselves or others. In fact, OAG just litigated its first successful ERPO petition in DC Superior Court in a case that was initiated by the Metropolitan Police Department. The hard work and collaboration with MPD yielded the safe seizure of a handgun and a rifle in that case.

OAG also appreciates the Mayor's efforts in combating gun crime, particularly the introduction of Bill 23-18, which is currently before the Committee today.

OAG urges the Council to approve Bill 23-18, the "Ghost Gun Prohibition Amendment Act of 2019." As defined in the bill, "Ghost guns" are firearms that, after the removal of all parts other than a receiver, cannot be detected by a metal detector. Generally, these are guns that are largely 3D printed in plastic, and the blueprints for such guns can be downloaded from the internet. These guns are a threat to public safety in the district, and Bill 23-18 would take the crucial step to amend the District's firearms control laws to outlaw them in our city. To achieve that purpose the legislation amends *the Firearms Control Regulations Act of 1975*¹, and *An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes.*²

¹ approved September 24, 1976 (D.C. Official Code§ 7-2501.01 et seq.) (2012 Repl. & 2017 Supp.)

² approved July 8, 1932 (47 Stat. 650; D.C. Official Code§ 22- 4501 et seq.) (2012 Repl. & 2017 Supp.)

Ghost guns undermine the District's commonsense gun regulations and threaten public safety in three key ways. First, they allow people to circumvent important registration requirements. The District of Columbia has a comprehensive statutory scheme regulating the possession, licensing, and registration of firearms. Certain types of weapons are prohibited entirely. District of Columbia law prohibits certain persons from possessing firearms; such as: (1) those who have been acquitted by reason of insanity within the last five years, or have been voluntarily or involuntarily committed to a mental hospital or institution in that time; (2) have been convicted of a felony, persons with a history of violent behavior, under indictment for a crime of violence or a weapons offense, or convicted within the previous five years of certain other offenses. Persons ineligible to possess firearms under District of Columbia law will easily be able to obtain downloadable guns (and gun parts) that they can produce at home using a 3D printer.

Second, ghost guns allow people to bring firearms into sensitive locations and evade detection. Because they are made of plastic, these are guns that would go undetected by metal detectors at our schools, airports, museums and even this very building.

And finally, when people download and print 3D plastic guns, the firearms have no serial number. This makes them untraceable, depriving law enforcement of a crucial tool to solve and combat gun crime.

OAG has been concerned about the threat of ghost guns for some time. In 2018, Attorney General Racine joined the District as a plaintiff in *State of Wash. v. U.S. Department of State*.³ We are suing to prevent the consummation of a settlement by the federal government with a company

³ No. 2:18-cv-01115-RSL (W.D. Wash.)

that planned to distribute 3D-printed gun plans on the internet. The State Department had proposed (as part of that settlement) to remove 3D-printed guns from the list of items that may be lawfully exported, which would also allow plans for 3D-printed guns to be distributed on the internet.

On August 27, 2018, in the Washington State case, Judge Robert S. Lasnik granted the plaintiffs' motion for a preliminary injunction. His ruling prevents the settlement from moving forward, but the State Department has indicated that it plans to issue a proposed rulemaking which would allow plans for 3D-printed to be put on the internet. While we await a final decision in the case, it is critical that the District act legislatively against the threat of 3D-printed plastic Ghost Guns.

I will note, that there is already a provision of federal law, part of the *Undetectable Firearms Act of 1988*, which prohibits the manufacture, sale, or possession of a firearm not detectable by standard metal detectors or x-ray machines. The Act requires firearms to contain enough metal (3.7 ounces, about the same weight as a regular teaspoon or a bar of soap) to be detectable by standard airport screening devices. Thank you for the opportunity to testify today. I am happy to answer any questions that you may have for OAG.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



ATTORNEY GENERAL

KARL A. RACINE

Public Safety Division – Juvenile Section

Statistics of Gun Cases

January 1 – September 30, 2019

Papering Decision	Drug Gun		Other Gun		Possessory Gun Offense		All Gun Charges	
	Case Count	% for charge	Case Count	% for charge	Case Count	% for charge	Case Count	% for charge
5DH		0.00%	3	1.49%		0.00%	3	0.56%
NPD		0.00%	3	1.49%	3	0.91%	6	1.12%
NPR		0.00%	10	4.98%	28	8.54%	38	7.10%
PAPER	6	100.00%	153	76.12%	294	89.63%	453	84.67%
PPCOA		0.00%	5	2.49%	1	0.30%	6	1.12%
PPCOD		0.00%	23	11.44%	2	0.61%	25	4.67%
PPCOINV		0.00%	1	0.50%		0.00%	1	0.19%
TITLE 16		0.00%	3	1.49%		0.00%	3	0.56%
Grand Total	6	100.00%	201	100.00%	328	100.00%	535	100.00%

	Possession of Large Capacity feeder	
Paper	28	97%
PPCOD	1	3%

2018

Papering Decision	Drug Gun		Other Gun		Possessory Gun Offense		All Gun Charges	
	Case Count	% for charge	Case Count	% for charge	Case Count	% for charge	Case Count	% for charge
SDH		0.00%	3	1.17%		0.00%	3	0.52%
NPD		0.00%		0.00%	3	0.95%	3	0.52%
NPR		0.00%	23	8.98%	28	8.89%	51	8.87%
PAPER	4	100.00%	206	80.47%	283	89.84%	493	85.74%
PPCOA		0.00%	2	0.78%		0.00%	2	0.35%
PPCOD		0.00%	10	3.91%	1	0.32%	11	1.91%
TITLE 16		0.00%	12	4.69%		0.00%	12	2.09%
Grand Total	4	100.00%	256	100.00%	315	100.00%	575	100.00%

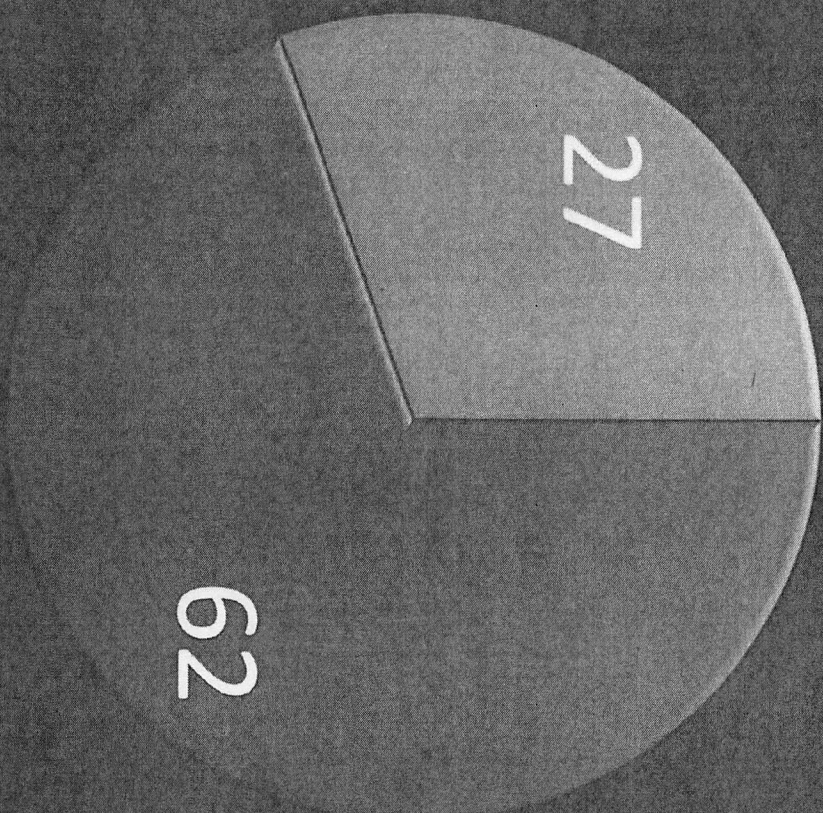
	Possession of Large Capacity Feeder	
NPR	1	6.67%
PAPER	14	93.33%

January 1 – September 30, 2018

	Drug Gun		Other Gun		Possessory Gun Offense		All Gun Charges	
Papering Decision	Case Count	% for charge	Case Count	% for charge	Case Count	% for charge	Case Count	% for charge
5DH		0.00%	3	1.52%		0.00%	3	0.67%
NPD		0.00%		0.00%	1	0.41%	1	0.22%
NPR		0.00%	18	9.09%	26	10.57%	44	9.89%
PAPER	1	100.00%	163	82.32%	219	89.02%	383	86.07%
PPCOA		0.00%	2	1.01%		0.00%	2	0.45%
PPCOD		0.00%	2	1.01%		0.00%	2	0.45%
TITLE 16		0.00%	10	5.05%		0.00%	10	2.25%
Grand Total	1	100.00%	198	100.00%	246	100.00%	445	100.00%

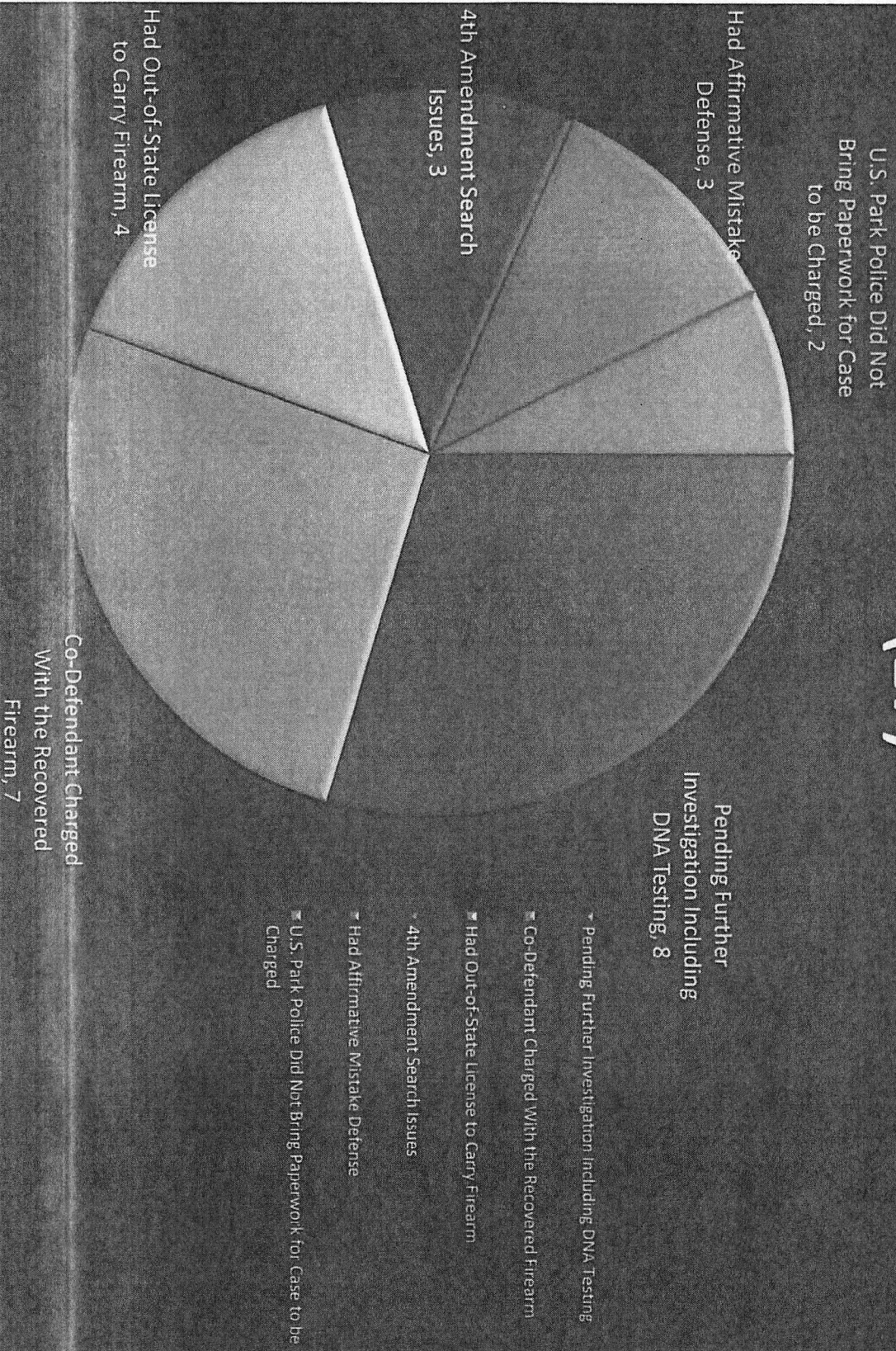
	Possession of Large Capacity Feeder	
NPR	1	10.00%
PAPER	9	90.00%

2018 Firearm Arrest Stats

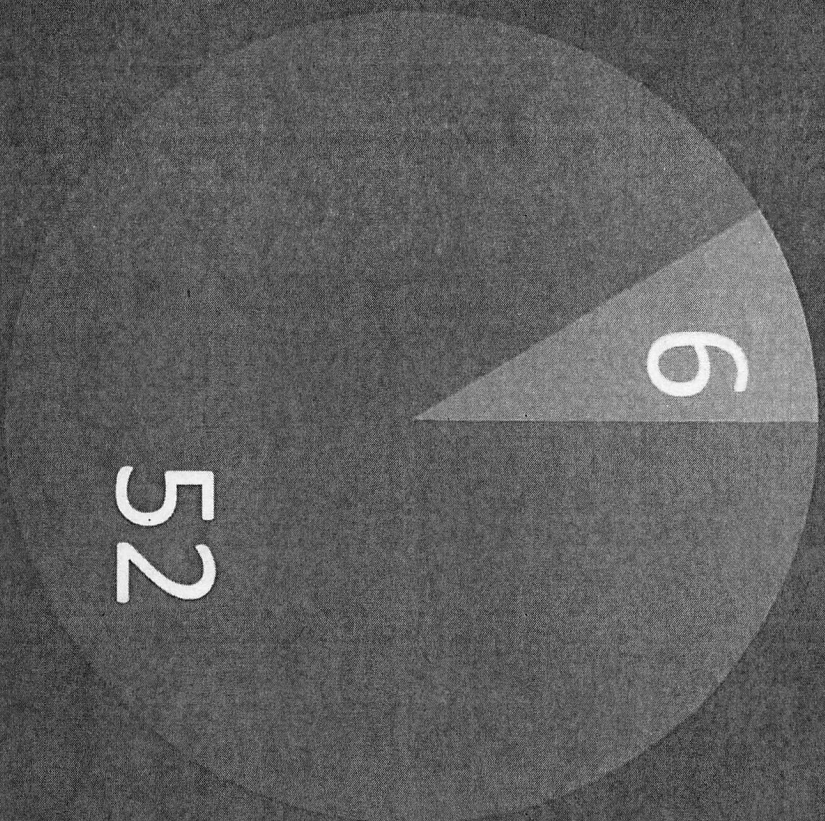


— Papered ■ No Paper

2018 No Papered Firearm Arrests (27)



2019 Firearm Arrest Stats



■ Papered ■ No Paper

2019 No Papered Firearm Arrests (6)

